

EXHIBIT 4

Declaration of Scott Mackey

IN THE UNITED STATES PATENT OFFICE.

Patent Application Serial No. 09/578,631)	Group No.: 3627
)	
Filed: May 25, 2000)	Examiner: F. Bartuska
)	
Title: DISK DISPENSING AND RETRIEVAL SYSTEM AND ASSOCIATED METHODS)	
)	
Inventors: William H. Barber et al.)	

DECLARATION OF SCOTT MACKEY

I, Scott Mackey, hereby declare:

1. I am currently employed as an Economist/Associate with Kimbell Sherman Ellis, a government and public affairs firm with offices in Washington, D.C. and Montpelier, Vermont.
2. I currently reside at 288 E. Harvey Farm Road, Waterbury Center, VT 05677. I have obtained the following university degrees: B.A. (Middlebury College, 1985), M.B.A. (CU, 1998).
3. From the Fall Semester of 1996 through the Spring Semester of 1998, I attended the Masters of Business Administration (MBA) program offered through the University of Colorado, Denver, and was a classmate of William H. Barber. During the time period July 1997 - February, 1998, I reviewed several business plans and Excel charts created by William H. Barber and directed to business models assessing the commercial viability of making and selling a disk dispensing and retrieval system. These plans and Excel charts outlined a kiosk for automated renting or buying of movies utilizing credit card billing technology, laid out research notes as to DVD specifications and return identification technology, and further detailed estimated costs of services and components related to the disk dispensing and retrieval system. For example, I recall the business plans including trade-offs between vendors and server technology and e-commerce billing techniques such as presented in U.S. Serial No. 09/578,631 by William H. Barber. These plans and Excel charts were created in tandem with, and in accordance with coursework for, the MBA program at the University of Colorado, Denver..
4. The plans and Excel charts were subsequently destroyed as newer models were saved over older models, and due to upgrades in computer equipment coincident with job changes. During the time period of February, 1998 - June 1998, William H. Barber and I discussed several conceptual elements and financial plans for the business of making and selling a disk dispensing and retrieval system, including the components, technologic and techniques listed in paragraph 3, above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are

Atty. Docket: 387953

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punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issued thereon.

Respectfully submitted,

Dated 4-7-2004

Scott Mackey
Scott Mackey